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SUMMARY RECORD OF THE 36th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

later: Mr. TESSEMA (Ethiopia)
(Vice-Chairman)

CONTENTS

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

AGENDA ITEM 108: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)

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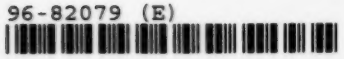

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (A/51/3 (Parts I and II), A/51/80-S/1996/194, A/51/81, 87, 90, 114, 204, A/51/208-S/1996/543, A/51/210, 271 and A/51/532-S/1996/864; A/C.3/51/3)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (A/51/40 (Supplement No. 40 (vol. I and II), A/51/44 (Supplement No. 44), A/51/415, 422, 425, 426, 465 and 482)

1. Mr. FALL (Assistant Secretary-General for Human Rights), introducing the item, said that the human rights treaty bodies streamlined their working methods in recent years. In their consideration of reports by States parties, rather than reviewing the implementation of the various treaties article by article, as in the past, they now focused on the more important aspects of the instrument in question, an approach which enabled them to formulate more specific recommendations. Governments were also encouraged to take advantage of the technical assistance programme of the Centre for Human Rights to help them fulfil their obligations under the various instruments.

2. Since their entry into force 20 years earlier, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights had been ratified by 135 and 134 States respectively, while the Optional Protocol and Second Optional Protocol to the latter instrument had been ratified by 89 and 29 States respectively. Some 99 States had ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the eight years since its entry into force. Regrettably, only seven States had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, despite the forthright statements made by many countries on that subject. The Convention would enter into force only after its ratification by at least 20 States.

3. While it was encouraging that so many States were parties to the various human rights instruments, further efforts were required to reach the goal of universal ratification set out in the Declaration and Programme of Action of the World Conference on Human Rights. Accordingly, the Centre for Human Rights had recently convened in Addis Ababa a high-level meeting of government experts from the 16 African States with the poorest record on ratification, with the aim of identifying the obstacles which they faced in that regard. A second meeting, for the Asia and Pacific region, was to be held in 1997. The Secretary-General would report to the Committee on the outcome of those consultations.

4. Turning to the report of the Human Rights Committee (A/51/40) on its fifty-fifth, fifty-sixth and fifty-seventh sessions, he said that nine initial or periodic reports by States parties had been examined. With regard to the report of the United Kingdom of Great Britain and Northern Ireland on Hong Kong, the Committee had been pleased to note that, in accordance with the Sino-British Joint Declaration, the International Covenant on Civil and Political Rights would remain in force after 1997, when the territory was ceded to China, although that country was not a party to the Covenant. At its fifty-seventh session, the Committee had adopted General Comment No. 25 (57) on article 25 of

the Covenant, in which it analysed the extent of the right of citizens to take part in the conduct of public affairs. It had also decided to update General Comment No. 4 (13) on article 3 of the Covenant, relating to equal rights for women, and to begin work on draft general comments on articles 2 and 12, regarding the rights to effective remedy and liberty of movement respectively. The Committee had considered 66 communications under the Optional Protocol and had adopted Views on 29 cases. Of special note was its decision regarding the circumstances under which the death penalty could be imposed.

5. Since the publication of its annual report, contained in document E/1996/22, the Committee on Economic, Social and Cultural Rights had decided to adopt at its forthcoming session the final version of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights which would empower it to receive communications from individuals whose rights had been violated. In its resolution E/1996/38, the Economic and Social Council had noted that the provisions concerning the follow-up and monitoring of the Covenant were not consistent with those in other human rights treaties. At the request of the Council, the Secretary-General had prepared a report on the legal procedures available to bring the Committee into line with other similar human rights treaty bodies (E/1996/101). It was anticipated that amendments to the Covenant would prove necessary.

6. Turning to the report of the Committee against Torture (A/51/44) on its fifteenth and sixteenth sessions, he noted that, in addition to the 10 reports submitted by States parties, the Committee had considered 26 communications under article 22 of the Convention. The number of such communications continued to grow and he hoped therefore that the General Assembly would accede to the Committee's request to hold an additional one-week session each year.

7. In its resolution 49/176, the General Assembly had appealed to Governments, organizations and individuals in a position to do so to contribute on a regular basis and substantially increase their contributions to the United Nations Voluntary Fund for Victims of Torture in order to meet the ever-increasing demand for assistance. In early 1996, however, the High Commissioner for Human Rights had been obliged to appeal to Governments for additional contributions. Subsequently, donations totalling some US$ 2.5 million had been made, enabling the Board of Trustees to recommend grants to 92 humanitarian organizations in 54 countries, as detailed in document A/51/465.

8. In document A/51/425, the Secretary-General outlined the measures taken to implement General Assembly resolution 50/170 concerning the effective implementation of international instruments on human rights, while document A/51/482 contained the report of the seventh meeting of persons chairing the human rights treaty bodies. The chairpersons had considered how the role of the treaty bodies in international conferences might be enhanced. They had noted with concern that they had not been consulted with regard to the restructuring of the Centre for Human Rights and had expressed the desire to take a more active part in that process. They had recommended that the treaty bodies should make fuller use of the electronic media to raise public awareness of international human rights standards and that the United Nations specialized agencies and non-governmental organizations should play a more active role in monitoring the implementation of human rights treaties. In addition, they had called for closer links between the treaty bodies and the Bretton Woods

institutions and the United Nations Development Programme (UNDP). Lastly, States parties had been requested to examine at their periodic meetings the problems that were still being encountered, particularly with regard to reporting obligations.

9. In 1998, the international community would review the progress made in implementing the outcomes of the World Conference on Human Rights. While much had been achieved, much remained to be done. Governments, intergovernmental organizations and non-governmental organizations must all make a more concerted effort to translate into reality the aspirations of the Vienna Declaration and Programme of Action. The work of the Third Committee would, no doubt, make a significant contribution to that process.

10. Mr. BYRNE (Ireland), speaking on behalf of the States members of the European Union and also Bulgaria, Cyprus, Estonia, Latvia, Malta, Norway, Poland, Romania and Slovakia, said that the universal ratification of human rights treaties was central to the promotion and protection of human rights. The various human rights instruments gave all Governments a clear and definite programme for furthering the human rights and fundamental freedoms of all their people.

11. The importance of universal accession to human rights instruments could not be overstated, for it gave concrete expression to the international community's human rights commitments. It was unfortunate that the specific commitments entered into at the World Conference on Human Rights concerning the signature and ratification of, or accession to, human rights instruments had yet to be fulfilled. The international community was slowly making headway towards universal ratification, but much more remained to be done.

12. When States ratified or acceded to human rights instruments, they should avoid making extensive reservations. Reservations which waived core provisions or were otherwise contrary to the object of such instruments were unacceptable under treaty law and called into question the commitment of the reserving State to the relevant instrument. States should also review their reservations periodically with a view to withdrawing them where possible. Reservations should not be seen as a mechanism for achieving formal ratification of a human rights instrument while avoiding implementation of the obligations contained therein. Nor was it appropriate for States to invoke historical, cultural or religious reasons to justify evading their obligation to respect certain rights. All States had a solemn obligation to respect and promote the principle that all human rights were universal, indivisible and interdependent and interrelated. They must take all appropriate measures to comply fully with the instruments to which they became parties and must also ensure that their domestic policy and practice were consistent with the terms of those instruments.

13. The programme of advisory services offered by the Centre for Human Rights provided valuable assistance to States in building a national capacity for the promotion and protection of human rights and in strengthening democracy and the rule of law.

14. All States parties must fulfil their reporting obligations under human rights instruments. He was concerned at the growing tendency of some States not to submit their reports by the due dates and not to follow the guidelines laid

down by the relevant committees. Also, sufficient human resources should be provided to the human rights treaty bodies to enable them to avoid delays in the consideration of reports. The value of the optional communication procedure under certain treaties was evident, in that it provided a more complete human rights monitoring system and was an important element in seeking to ensure that impunity could not develop or flourish.

15. Any new codification of human rights must not detract from the international community's commitment to comply fully with existing instruments. The elaboration of an optional protocol to the Convention on the Elimination of All Forms of Racial Discrimination against Women, introducing a petition procedure, would be a valuable step towards giving the fullest possible expression to the principles underlying that Convention and the rights set out therein.

16. The development of a comprehensive policy programme for the mainstreaming of the human rights of women throughout the United Nations system also deserved support. In that context, the various human rights mechanisms must include in their activities information on gender-based human rights violations and integrate the findings into their programmes. Effective coordination among those mechanisms, as well as adequate servicing, was essential.

17. The restructuring of the Centre for Human Rights offered a valuable opportunity to ensure that the important work of the treaty bodies was enhanced. He welcomed the commitment to ensuring that the human rights treaty bodies had the necessary analytical capacity to review State parties' reports and to process communications. The European Union reiterated the tremendous importance of all efforts to prevent human rights violations and of involving the treaty bodies and special rapporteurs in such efforts. System-wide cooperation would ensure that the rights set out in United Nations human rights instruments were better protected. The increasing cooperation between the specialized agencies and other United Nations bodies and the human rights treaty bodies was therefore a welcome development.

18. Noting with interest the report of the seventh meeting of persons chairing the human rights treaty bodies, in particular its conclusions and recommendations, he said that such meetings could make a significant contribution to improving the operation of the treaty bodies and to ensuring further support for their work. Non-governmental organizations had an important role to play in the monitoring work of the treaty bodies, since they could play a valuable part in the reporting process, in awareness-raising and in promoting human rights education.

19. States bore the primary responsibility for implementing the human rights instruments to which they were parties, however. Universal ratification and implementation of human rights instruments was essential for the full enjoyment of human rights, and only by making continued efforts towards such ratification could the international community achieve the goals which it had set for itself.

20. Mr. Tessema (Ethiopia), Vice-Chairman, took the Chair.

21. Ms. MORGAN (Mexico) said that the universality of human rights was the guiding principle for the elaboration of standards and mechanisms for promoting

and protecting human rights and fundamental freedoms. Any national or international action for human rights must start from respect for the dignity of all human beings without exception. Particular attention must be given to the rights of persons belonging to vulnerable groups.

22. Although significant progress had been made in the field of human rights, particularly in the eradication of apartheid and the adoption of conventions protecting the human rights of women and children, the enjoyment of political, civil, economic, social and cultural rights was far from being universal, and it was regrettable that the end of the cold war had not brought about an improvement in the situation. Resurgent nationalism and the rejection of religious, cultural, ethnic and ideological diversity were being expressed in ethnic conflict, growing violence and the proliferation of racist and xenophobic practices in various parts of the world.

23. Her delegation was particularly concerned at the serious violations of the human rights of migrant workers and their families. Every day, millions of people, including women and children, who crossed borders in search of work and better living conditions were confronted with hatred and violence.

24. The phenomenon of migration must be considered in all its complexity, taking a global, objective and long-term approach. Her Government condemned the intimidation and abuse heaped upon Mexican migrant workers who left their country in search of a better life. It had consistently opposed measures to deny education and social services to migrants and, particularly, to their children. Respect for the human rights of all migrant workers and their families must be the basis for a constructive global approach to migration. It was essential to promote tolerance within societies and to prevent and punish violations of the human rights of migrant workers, a particularly vulnerable group whose rights were frequently not recognized by national legislations.

25. Considerable progress had been made on that issue at the regional level. A regional meeting held in Puebla, Mexico, had permitted a useful and productive dialogue on tackling the various aspects of the migration. At the multilateral level, the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would be a significant step forward in the cause of human rights. As in previous years, her delegation would introduce a draft resolution encouraging Member States to accede to or ratify the Convention.

26. Her Government reiterated its firm commitment to the promotion and protection of the human rights of all Mexicans within and outside its national territory. It would continue to combat any form of mistreatment or discrimination against foreigners within Mexico. All Governments must play their part in eradicating racist and xenophobic attitudes, which were one of the gravest offences against human dignity.

27. Mr. USUI (Japan) said that the entire international community must remain committed to the principles set forth in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. That was a duty incumbent upon all States, irrespective of their cultural tradition or political or economic system. His delegation appreciated the standard-setting efforts of the United Nations and of the Commission on

Human Rights in particular. However, great care should be taken in the drafting of new human rights instruments, bearing in mind the manner in which they were likely to be applied and the need to avoid unnecessary duplication with existing instruments. Any such drafting activities should be preceded by adequate preparation.

28. His delegation welcomed the continuing efforts of the human rights treaty bodies and the Secretary-General to streamline and rationalize reporting procedures. The problem of overdue reports was cause for concern, and there was a need to further improve the way in which the treaty bodies carried out their mandates. Bearing in mind the backlog of reports, ways should be found to make the process of considering States parties' reports more efficient. The Centre for Human Rights should also provide advisory services and technical assistance relating to the ratification process to any State requesting such help.

29. His delegation welcomed the efforts of the human rights treaty bodies, the specialized agencies and other United Nations bodies to intensify their cooperation, and recognized the valuable contribution made by the specialized agencies and other United Nations bodies to the work of the treaty bodies, as well as the important work being done by the High Commissioner for Human Rights.

30. Ms. ENGELBRECHT (South Africa) said that her Government was committed to establishing a human rights culture and was taking steps to accede to the Universal Declaration of Human Rights and the major United Nations human rights instruments. Together with Germany and Poland, South Africa would be sponsoring a workshop to discuss the relevance of the Universal Declaration at the end of the twentieth century and how best to commemorate its fiftieth anniversary. Her country's democratic constitution would soon be adopted and its bill of rights would contain all the generally recognized human rights, thus laying to rest the last vestiges of South Africa's discriminatory legislative history.

31. The South African Parliament would soon have before it legislation making it a criminal offence to disseminate war propaganda and produce or distribute material advocating hatred based on race, ethnicity, gender or religion. Once that legislation was adopted, her country would be able to proceed rapidly to the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.

32. South Africa had already ratified the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women and was in the process of establishing an office on the status of women to serve as a government mechanism for integrating a gender perspective into all publicly funded policies and programmes. The Parliament had also recently passed an act establishing a commission for gender equality. Lastly, South Africa was a party to the African Charter on Human and Peoples' Rights and had hosted a conference that had drawn up a draft charter for an African court of human rights. Her country would be pursuing that and other initiatives within the Organization of African Unity in the years to come.

33. Mr. WISSA (Egypt) said that his country's long-standing commitment to the principles of the United Nations was reflected in the fact that it was a party to some 18 international human rights instruments and was endeavouring to adapt its national legislation to accord with the letter and spirit of those

instruments while taking full account of its own cultural and religious traditions. In discharging its human rights obligations and in its approach to human rights in general, Egypt adhered to a number of principles: the politicization of human rights and their use as an instrument to achieve political objectives must be avoided; double standards must not be applied to human rights situations; full account must be taken of cultural differences in the context of human rights issues; and human rights, including social, economic and political rights and the right to development, were indivisible.

34. Mr. SYCHOU (Belarus), speaking also on behalf of Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, the Russian Federation and Tajikistan, underscored the importance of the International Covenants on Human Rights, which were the legal expression of the moral principles underlying the Universal Declaration of Human Rights. He emphasized the necessity of the observance of universal human rights standards for maintaining stability and legitimacy in a State and the primary responsibility of each State to encourage and ensure the full implementation of all human rights and fundamental freedoms. Lastly, the States on whose behalf he was speaking reaffirmed their commitment to their international obligations in that field.

AGENDA ITEM 108: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/C.3/51/L.23 and L.27)

Draft resolution A/C.3/51/L.27 on the Third Decade to Combat Racism and Racial Discrimination

35. Mrs. CASTRO de BARISH (Costa Rica), introducing draft resolution A/C.3/51/L.27, said that it noted with concern the use of technological developments in the field of communication, including computer networks such as the Internet, to disseminate racist and xenophobic propaganda. It laid down guidelines for concerted action by Governments and the United Nations system to take effective measures to eliminate contemporary forms of racism and racial discrimination and encouraged the mass media to promote ideas of tolerance and understanding. To achieve those goals, under paragraph 25 of the draft resolution, the General Assembly would decide to convene a world conference to combat racism, racial discrimination, xenophobia and related intolerance by the year 1999. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/51/L.23 on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

36. Mrs. CASTRO de BARISH (Costa Rica), introducing draft resolution A/C.3/51/L.23 said that it affirmed that, under international law, racism was not an opinion but an offence and that impunity for crimes motivated by racism and xenophobia played a role in weakening the rule of law and tended to encourage their recurrence. It also categorically condemned any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred, and commended non-governmental organizations for their action against racism and their assistance to the victims of racism and racial discrimination. The sponsors hoped that the draft resolution would be adopted without a vote.

37. The two draft resolutions reflected the sponsors' determination to ensure that the objectives of eliminating racism and racial discrimination were accorded the importance they deserved.

The meeting rose at 4.35 p.m.